31 D.B. CIVIL SPECIAL APPEAL NO.171/2007

(Gram Panchayat , Bhopalgarh Vs. State of Raj.)

Date:- 30.07.2007

**HON'BLE MR. RAJESH BALIA,J.**

**HON'BLE MAHESH CHANDRA SHARMA,J.**

Mr. M.S.Singhvi, for the petitioner.
Mr. P.P.Choudhary, for the respondent.

Heard learned counsel for the parties. We are of the opinion that basic ground on which the appeal was admitted on 20.12.2006 on the ground of alleged conduct of the respondent petitioner in concealing material fact about an operative order against him by way temporary injunction passed by the learned Civil Judge (JD) Bilara in Civil Suit No. 39/2006 in the light of report submitted by the Commissioner appointed by the Court stating that no college is functional at site, has ceased to exist, inasmuch as, temporary injunction passed by the Civil Judge has since been vacated by order dated 21.12.2006 in which prima facie findings was recorded about the existing possession of the suit building (a College Building) with respondent-Samiti. In view thereof, the very premise of entertaining the appeal against the ex parte ad interim order having ceased to exist, this appeal must be dismissed by vacating the ad interim order and leaving it for the parties to agitate their cause recourse in response to notice, before learned Single Judge urging whatever whatever

grounds are available against the continuance of ad interim order passed by the learned Single Judge dated 7.12.2006.

Accordingly, appeal is dismissed, ad interim order is vacated.

**(MAHESH CHANDRA SHARMA),J.** **(RAJESH BALIA),J.**